

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Justin Gonzalez,

Petitioner,

ORDER

-against-

19 Civ. 1084 (NSR)(AEK)

Five Points Correctional Facility,

Defendant.

-----X

THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

On August 28, 2020, the Court issued a memo endorsement granting Petitioner until September 29, 2020, to file his opposition to the motion to dismiss that is pending in this habeas proceeding. ECF No. 25 (attached hereto). At the time, the Court noted that Petitioner was due to be released on July 30, 2020, but that he had not submitted a change of address form to the Court, as required. Id. In addition, the Court was concerned about Petitioner possibly using the assistance of a non-attorney, which the Court noted might be a violation of the law prohibiting the unlicensed practice of law. Id. The Court stated that it would make efforts to identify Petitioner's new address, but if unsuccessful, would mail the memo endorsement to Petitioner at Cayuga Correctional Facility, which was his last address known to the Court. Id. Having no other address for Petitioner, the Court mailed its memo endorsement to Petitioner at Cayuga Correctional Facility, and it was returned as undeliverable.

The Court has renewed its efforts to identify Petitioner's new address. Accordingly, the Court issues this Order, granting Petitioner an additional 45 days—until **January 4, 2021**—to serve and file his opposition to the motion to dismiss. Respondent may serve and file reply

papers, if any, within 21 days from the date on which Respondent is served with Petitioner's opposition.

Once again, the Court instructs Petitioner that it is his responsibility to keep the Court informed of his latest contact information and that any failure to do so might result in the Court dismissing his habeas petition for failure to prosecute. The Court again cautions Petitioner against using the assistance of a non-attorney in the preparation of his opposition papers.

The Clerk of the Court is directed to mail a copy of this Order to Petitioner at 501 Elk Point Road, Livingston Manor, New York 12758. If this is, in fact, the proper address for Petitioner, Petitioner must take the necessary steps to update his address on file with the Court.

Dated: November 20, 2020
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

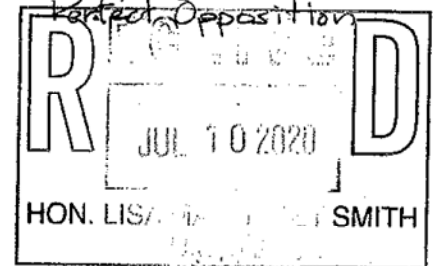
JUSTIN GONZALEZ
Petitioner,
- against -

SUPERINTENDENT
Five Points Correctional Facility
Respondent,

Honorable Lisa Margaret Smith, U.S.M.J.

7:19-CV-01084-NSR-LMS

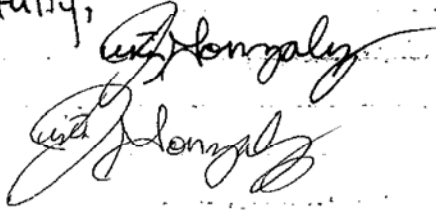
Request for Time Extension to
Perfect Opposition



Your Honor i'm writing this letter as a motion to humbly and respectfully request an extension of time to properly and effectively present my opposition as to why this federal writ of habeas petition should not be dismissed as untimely. During my incarceration at Five Points Correctional Facility I was receiving legal assistance from my cell mate, whom has helped me throughout this entire legal process. Unfortunately, I was transferred to Cayuga CF, and am now faced with a conflicting position to proceed on my own. I am not a lawyer and just would like to make sure I proceed in a proper professional manner. Candidly, I do not completely know the law, but i've learned enough about my case to know that these are serious constitutional violations which have taken place due to my ignorance of the law and being 16 years of age at the time. I am due to go home July 30, 2020 and have a family member who works in a Law Firm who's willing to assist me upon my release with the opportunity to review my case. I would like to effectively bring forth my case to you Your Honor which is why i'm requesting a 60-90 day time extension; such period of time due to my transition back into society after 7 1/2 years, as well as the fact of the current pandemic transpiring in the world. With all that is currently transpiring in society with the mass racial injustice another thing being heavily probed and brought to light is the mass incarceration of Blacks and Hispanics played by with corruption and manipulation that is present in hundreds of courtrooms violating poor peoples "alleged" statutory and

Constitutional rights. This court has been nobly chosen to decide whether or not the law will be upheld or whether it will go off course. I have a firm confident belief, based off of the issues presented within this case that justice will be served. Once again, I respectfully request a 60-90 day time extension be granted. I highly appreciate your time and hope you take my request into consideration.

Very Respectfully,



Date: June 30, 2020

C: personal file
Attorney General

The Court will grant Petitioner 75 days extension to file his opposition to the motion to dismiss, which the Court calculates to be September 29, 2020. However there are two issues -- First, Petitioner has not submitted a change of address form to the Court, as required, so this Order will likely not reach him, if in fact he was released on July 30, as the letter states; Second, the Court is concerned that he proposes to use the assistance of a non-attorney, as stated in this letter. Petitioner should be cautioned, if he does receive this Order, that a non-attorney may be violating the law prohibiting the unlicensed practice of law if the non-attorney purports to give legal advice or assistance to the Petitioner. The undersigned will make efforts to identify Petitioner's new address, but if the Court is unable to do so we will mail this to the last address known to us, which is at Cayuga Correctional Facility.

August 28, 2020

SO ORDERED:


Hon. Lisa Margaret Smith
U.S.M.J.

CAYUGA CORRECTIONAL FACILITY

P.O. BOX 1186

MORAVIA, NEW YORK 13118

NAME: Justin Gonzalez DIN: 14A1033

CAYUGA



CORRECTIONAL FACILITY

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INOS

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